

Paper 41

Mail Stop Interference
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Filed 5 June 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES
(Administrative Patent Judge James T. Moore)

Hannelore Ehrenreich
and
Christoph Gleiter
Junior Party
(Application 09/868,089),

v.

Michael Brines, Anthony Cerami,
and
Carla Cerami
Senior Party
(Application 09/547,220)

Patent Interference No. 105,500 (JTM)
(Technology Center 1600)

JUDGMENT - REQUEST FOR ADVERSE - Bd. R. 127(b)

Before: FRED E. McKELVEY, *Senior Administrative Patent Judge*, and RICHARD E. SCHAFER and JAMES T. MOORE *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

1 Brines has filed paper 40, a Request for Adverse Judgment as to count 1, the
2 only count in this interference. Upon consideration of the request, it is:

3 **ORDERED** that judgment on priority as to Count 1 (the sole count in the
4 interference; Paper 1, page 4) is awarded against Senior Party Michael Brines, Anthony
5 Cerami, and Carla Cerami

6 **FURTHER ORDERED** that Senior Party Michael Brines, Anthony Cerami,
7 and Carla Cerami is not entitled to a patent containing claims 28-39 and 52-64
8 (corresponding to Count 1) of application 09/547,220.

9 **FURTHER ORDERED** that if there is a settlement agreement, the parties
10 shall direct their attention to 35 U.S.C. § 135(c).

11 **FURTHER ORDERED** that a copy of this JUDGMENT shall be placed in
12 the files of (1) application 09/547,220 and (2) application 09/868,089.

13 **FURTHER ORDERED** that the Clerk is directed to distribute the files upon
14 entry of this JUDGMENT.

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19 /ss/ Fred E. McKelvey)
20 FRED E. MCKELVEY)
21 Senior Administrative Patent Judge)
22)
23 /ss/ Richard E. Schafer)
24 RICHARD E. SCHAFER)
25 Administrative Patent Judge)
26) BOARD OF
27 /ss/ James T. Moore)
28 JAMES T. MOORE)
29 Administrative Patent Judge)

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